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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,056	11/29/2001	Edwin H. Rogers	SHAR-0005	5509

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EXAMINER

MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,056

Applicant(s)

ROGERS ET AL.

Examiner

Glenford Madamba

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement (IDS) filed on November 29, 2001, has been received and considered by the examiner.

The Foreign Patent documents listed on page 1 for the IDS filed on November 29, 2001, were not considered since no translation was provided the said foreign documents.

The US Patent documents designated "Des. XXX, XXX" and listed on pages 2 & 3 of the IDS filed on November 29, 2001, were not considered since they do not conform to standard patent or patent publication identification numbers and no actual copy was provided for the references listed.

The Non-Patent Literature documents listed on page 1 & 2 for the second IDS filed on November 29, 2001, were not considered since no actual copy was provided for the references listed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, and 5-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Varma al (hereinafter Varma), US Patent 6,564,246.

3. Claim 1 discloses a collaboration system and workstation for a plurality of users [Col 1, Lines 1-15], comprising: a public system [Col 1, Line 67 & Col 2, Lines 1-2; Col 2, Lines 38-43], a plurality of private systems, wherein each user operates their own private system [Col 2, Lines 2-6], a cooperation system for a user of a private system to control the public system [Col 9, Lines 42-48; Col 4, Lines 8-38], and a workstation including: a public section including at least one public segment, wherein each public segment is configured to hold a public display for the public system 14 [Figure 2], and a plurality of private sections positioned around the public section, wherein each private

Art Unit: 2151

section is configured to hold a private display for a private system **12 & 16** [Figure 2; Col 3, Lines 36-40].

4. Claim 2 asserts the system and workstation of claim 1, wherein the public system **14** has at least one public display and each private system **12 & 16** has a private display [Figure 2; Col 3, Lines 36-40].

5. Claim 3 references the system and workstation of claim 2, wherein each user can view a private display for their private system **12 & 16** and a public display **14** from a single location [Figure 2; Col 3, Lines 36-40].

6. Claim 5 notes the system and workstation of claim 1, wherein each public segment includes at least one public window for a user to view a public display through a public window [Col 2, Lines 38-43].

7. Claim 6 stipulates the system and workstation of claim 1, wherein each private section includes a private window for a user to view a private display [Col 3, Lines 19-26 & 40-41].

8. Claim 7 notes the system and workstation of claim 1, wherein each private section holds a private system, and wherein a user can control the public system from any private section using an I/O device of a private system [Col 9, Lines 42-48].

9. Claim 8 identifies the system and workstation of claim 7, wherein the I/O device is selected from the group consisting of a mouse and a keyboard [Col 9, Lines 42-48].

10. Claim 9 points to the system and workstation of claim 1, further comprising at least one super public display, in communication with a public system, for allowing all users to view output from the public system, wherein each user can view a super-public display and a private display for their private system from a single location [Col 3, Lines 27-40, Lines 51-67 & Col 4, Lines 1-7].

11. Claim 10 specifies a collaboration system and workstation for allowing collaboration among a plurality of users, comprising: a collaboration system for a user of a private system to control a public system **14** from the private system **12 & 16** [Col 9, Lines 42-48], wherein each private system **12 & 16** has a private display and the public system **14** has at least one public display [Figure 2; Col 3, Lines 36-40], a public section including at least one public segment, wherein each public segment is configured to hold a public display **14** [Figure 2], and a plurality of private sections each positioned adjacent to the public section, wherein each private section is configured to hold a private display **12 & 16** [Figure 2; Col 3, Lines 36-40].

12. Claim 11 discloses the collaboration system and workstation of claim 10, wherein each public segment includes a window for viewing the public display [Col 2, Lines 38-43].

13. Claim 12 asserts the collaboration system and workstation of claim 10, wherein each private section includes a window for viewing the private display [Col 3, Lines 19-26 & 40-41].

14. Claim 13 notes the collaboration system and workstation of claim 10, wherein each public segment is adjacent to a plurality of distally positioned private sections [Col 1, Lines 1-15 and Figure 2].

15. Claim 14 states the collaboration system and workstation of claim 13, wherein each public segment is further adjacent to at least one other public segment [Col 1, Lines 1-15 and Figure 2].

16. Claim 15 states the collaboration system and workstation of claim 10, wherein the collaboration system further comprises: a control module for obtaining control of the public system and relinquishing control of the public system [Col 2, Lines 10-12 and 16-20; Col 3, Lines 55-60], a ghost module for ghosting the public system [Col 4, Lines 15-

Art Unit: 2151

21], a blackening module for controlling the public system to blacken each private display [Col 3, Lines 58-67 and Col 4, Lines 1-2], and an administration module for establishing and maintaining a database of teams of users [Col 3, Lines 9-18].

17. Claim 16 discloses a workstation for allowing collaboration among a plurality of users, comprising: a public section including at least one public segment, wherein each public segment is configured to hold a public display for a public system **14** [Figure 2], and a plurality of private sections positioned around the public section, wherein each private section is configured to hold a private display for a private system **12 & 16** [Figure 2].

18. Claim 17 asserts the workstation of claim 16, wherein each public segment includes a window for viewing the public display [Col 2, Lines 38-43].

19. Claim 18 describes the workstation of claim 16, wherein each private section includes a window for viewing the private display [Col 3, Lines 19-26 & 40-41].

20. Claim 19 discloses the workstation of claim 16, wherein each public segment is adjacent to a plurality of distally positioned private sections [Col 1, Lines 1-15 and Figure 2].

21. Claim 20 asserts the workstation of claim 19, wherein each public segment is further adjacent to at least one other public segment [Col 1, Lines 1-15 and Figure 2].

Claim Rejections - 35 USC § 103

1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff.

Claim 4 identifies the system and workstation of claim 1, wherein the plurality of private systems and the public system use a plurality of operating systems.

Varma discloses a collaborative work system formed by a plurality of participants using a variety of computers, such as a personal computer (PC) 12, a workstation 14, or a laptop computer 16 interconnected together over a network [Col 9, Lines 53-61 and Figure 1]. However, while Varma discloses the interconnection of varying computer hardware, he does not account for the possible differences in operating systems for the computers in use. In a similar endeavor, Simonoff discloses a White Board system permitting a plurality of users to collaborate with one another irrespective of the respective user's hardware platform or operating system that includes a server computer, and a plurality of client computers electrically coupled to the server

Art Unit: 2151

computer [Abstract & Col 1, Lines 24-27 and 47-51]. It would therefore be obvious to a person of ordinary skill in the art to incorporate the features described by Simonoff with Varma's in order to permit proper interoperability and communication between computer users of a real-time collaboration system that may differ in hardware platforms and/or operating systems (i.e., Joint Military mission).

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 2,3, 4, 8, and 15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 7, 12, 13, 18, 24- 27, and 29 of copending Application No. 09999221. Although the conflicting claims are not identical, they are not patentably distinct from each other because both contain similar subject matter within the claims such as: a collaboration system and workstation for a plurality of users, comprising a public system; a plurality of private systems, wherein each user operates their own private system; and a cooperation system for a user of a private system to control the public. Additionally, both applications make claim to a system wherein the public system has a public display and each private system has a private display, and a system wherein each user can view both their private display and public display. Both applications also describe a collaboration system comprised of a control, ghost, blackening, and administration module.

Although the co-related application does not specifically state within the limitations a " collaboration system *and workstation* for a plurality of users, comprising: a public system; a plurality of private systems....", it would have been obvious to a person of ordinary skill in the art at the time of the present invention that the collaboration

Art Unit: 2151

system discussed in claims 1- 7, 12, 13, 18, 24- 27, and 29 of the copending application provides a means for arranging a plurality of private and public user systems into a workstation formation that provides multiple lines of sight and view displays for group collaboration.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carleton et al, Patent No. 5948022, describes an invention using multiple computers to hold a conference, where an application program can run on a single computer, yet remote participants can issue commands to the program. Remote participants can watch the program operate, because the invention replicates the display window of the running program on to the displays of the remote computer. Any participant can make annotations on the participant's own computer display.

Art Unit: 2151

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ZARNI MAUNG
SUPERVISORY PATENT EXAMINER